

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

NEONODE SMARTPHONE LLC.,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	Civil Action No. 6:20-cv-00507-ADA
	§	
SAMSUNG ELECTRONICS CO. LTD.	§	JURY TRIAL DEMANDED
AND SAMSUNG ELECTRONICS	§	
AMERICA, INC.,	§	
<i>Defendants.</i>	§	

**DECLARATION OF PHILIP GRAVES IN SUPPORT OF
NEONODE SMARTPHONE LLC’S RESPONSIVE CLAIM CONSTRUCTION BRIEF**

I, Philip Graves, declare as follows:

1. I am an attorney with the law firm of Graves & Shaw LLP and counsel for Plaintiff Neonode Smartphone LLC (Neonode) in the above-titled action. I make this Declaration in support of Neonode’s Response Claim Construction Brief. I have personal, first-hand knowledge of the matters set forth below and, if called as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of United States Patent No. 8,095,879B2 dated January 10, 2012.

3. Attached hereto as Exhibit 2 is a true and correct copy of the Declaration of Andy Cockburn in Support of Defendants’ Opening Claim Construction Brief dated April 14, 2023.

4. Attached hereto as Exhibit 3 is a true and correct copy of the Final Written Decision regarding Samsung Electronics Co. LTD., Samsung Electronics America, Inc. and Apple, Inc. v. Neonode Smartphone LLC Cause No. IPR2021-01044.

5. Attached hereto as Exhibit 4 is a true and correct copy of United States Patent Application Publication No. 2002/00227549A1 dated March 7, 2002.

6. Attached hereto as Exhibit 5 is a true and correct copy of the file history of United States Patent No. 8,095,879B2 dated January 10, 2012.

7. Attached hereto as Exhibit 6 is a true and correct copy of Patent Owner's Sur-Reply filed in IPR2021-01041.

8. Attached hereto as Exhibit 7 is a true and correct copy of the Record of Oral Hearing Held October 17, 2022 filed in IPR2021-01041.

9. Attached hereto as Exhibit 8 is a true and correct copy of the Patent Owner's Demonstrative Exhibits filed in IPR2021-01041.

10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from the Concise Oxford English Dictionary Revised Tenth Edition.

11. Attached hereto as Exhibit 10 is a true and correct copy of excerpts from the Merriam Webster's Collegiate Dictionary Tenth Edition.

12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the Paperback Oxford English Dictionary.

13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from The American Heritage College Dictionary Third Edition.

14. Attached hereto as Exhibit 13 is a true and correct copy of the Second Declaration of Craig Rosenberg, Ph.D. filed in IPR2021-01041.

15. Attached hereto as Exhibit 14 is a true and correct copy of a video entitled "Neonode N2 instructions film," available at <https://www.youtube.com/watch?v=Hq3S8Crxf2s>, file dated March 25, 2022.

16. Attached hereto as Exhibit 15 is a true and correct copy of the Corrected Patent Owner Response filed in IPR2021-01044.

17. Attached hereto as Exhibit 16 is a true and correct copy of the Second Declaration of Craig Rosenberg, Ph.D. filed in IPR2021-01044.

18. Attached hereto as Exhibit 17 is a true and correct copy of the Patent Owner's Sur-Reply filed in IPR2021-01044.

19. Attached hereto as Exhibit 18 is a true and correct copy of the Record of Oral Hearing Held September 6, 2022 filed in IPR2021-01044.

20. Attached hereto as Exhibit 19 is a true and correct copy of the Patent Owner's Demonstrative Exhibits filed in IPR2021-01044.

21. Attached hereto as Exhibit 20 is a true and correct copy of excerpts of the deposition transcript of Craig Rosenberg, Ph.D. taken in connection with IPR2021-01041.

22. Attached hereto as Exhibit 21 is a true and correct copy of the Final Written Decision filed in IPR2021-01041.

23. Attached hereto as Exhibit 22 is a true and correct copy of excerpts of the Deposition of Magnus Goertz dated June 2, 2022 taken in connection with in *Neonode Smartphone LLC v. Apple Inc.*, Case No. 6:20-cv-00505, and *Neonode Smartphone LLC v. Samsung Electronics Co. Ltd., et al.*, Case No. 6:20-cv-00507.

24. Attached hereto as Exhibit 23 is a true and correct copy of the Petitioner's Reply to Patent Owner's Response filed in IPR2021-01041.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 19, 2023, in Los Angeles, California.

/s/ Philip J. Graves

Philip J. Graves